

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ADLIFE MARKETING & COMMUNICATIONS,
CO., INC., *Plaintiff*,

v.

C.A. No. _____

ARPEGGIO GRILL, FIDA SHAH,
GHANYAN, INC., and
GHANYAN, INC. d/b/a ARPEGGIO
GRILL,
Defendants.

COMPLAINT

I. JURISDICTION AND VENUE

1. Plaintiff Adlife Marketing and Communications, Co., Inc., is a Rhode Island company with a principal place of business at 38 Church St., Pawtucket, Rhode Island.
2. Defendant Arpeggio Grill, is a company located at 6619 Airport Boulevard, Austin, Texas 78752.
3. Defendant Fida Shah, on information and belief, is a resident of Texas, owner of Arpeggio Grill, President and Director of Ghanyan, Inc., and President and Director of Ghanyan, Inc. d/b/a Arpeggio Grill.
4. Defendant Ghanyan, Inc., is a Texas corporation with an address of 6619 Airport Boulevard, Austin, Texas 78752.
5. Defendant Ghanyan, Inc., d/b/a Arpeggio Grill is a Texas corporation with an address of 6619 Airport Boulevard, Austin, Texas 78752 (together with Arpeggio Grill, Fida Shah, and Ghanyan, Inc., the “Arpeggio Entities”).
6. This Court has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. §§ 1338(a) because this is a civil action arising under an Act of Congress relating to

copyrights.

7. This Court has personal jurisdiction over each of the Arpeggio Entities because each of the Arpeggio Entities committed the acts and omission of copyright infringement in Massachusetts and purposely availed itself of the forum district. The Arpeggio Entities solicited orders from customers in eastern Massachusetts and, upon information and belief, sold products into eastern Massachusetts.

8. Venue lies properly within this Court under 28 U.S.C. § 1331(b)(2) because this is a district in which each of the Defendants is doing business with Plaintiff's photograph via the Internet. Specifically, the Arpeggio Entities solicited orders from customers in eastern Massachusetts and, upon information and belief, sold products into eastern Massachusetts.

COUNT ONE
COPYRIGHT INFRINGEMENT

9. Adlife repeats and incorporates by reference all allegations above and below as if restated here in full.

10. Adlife owns the photo attached as Exhibit 1 hereto ("Photo").

11. The Photo has United States copyright registration number: VA0002012581 issued on August 5, 2016.

12. No later than July, 2016, the Arpeggio Entities took the Photo from Adlife and posted it on the Arpeggio Entities' website <http://www.arpegiogrill.com>.

13. The Arpeggio Entities posted the Photo on the following webpage within the Arpeggio Entities' website: <http://www.arpegiogrill.com/#!catering/c16zo>.

14. The Arpeggio Entities took and used Adlife's Photo without Adlife's knowledge or permission.

15. The Arpeggio Entities used the Photo to solicit business and orders in Massachusetts.
16. Upon information and belief, the Arpeggio Entities' use of the Photo helped the Arpeggio Entities secure orders from Massachusetts and the Arpeggio Entities actually secured orders from Massachusetts after the Arpeggio Entities took and started using the Photo.
17. The Arpeggio Entities' unauthorized use of the Photo constitutes copyright infringement in violation of 17 U.S.C. sec. 501 et seq., entitling Adlife to damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Adlife Marketing and Communications, Co., Inc., respectfully prays as follows:

- A. That Defendant be summoned to appear and answer this Complaint;
- B. That this Honorable Court enter judgment in favor of Adlife and against Defendant;
- C. That this Honorable Court award Adlife actual damages;
- D. That this Honorable Court award Adlife consequential damages
- E. That this Honorable Court award Adlife liquidated damages;
- F. That this Honorable Court award Adlife its attorneys' fees, costs, pre-judgment interest; and
- G. For such other and further relief as this Court deems necessary, just and proper.

ADLIFE MARKETNG & COMMUNICATIONS,
CO., INC.,
By Its Attorney,

/s/ Chip Muller
Chip Muller, Esq. (BBO # 672100)
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September 6, 2016

Plaintiff Adlife Marketing & Communications, Co., Inc., by and through its attorneys, demands a TRIAL BY JURY on all counts so triable.

/s/ Chip Muller
Chip Muller, Esq. (BBO # 672100)